



Attorney's Docket No. FEM-0051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Geroge M. Savagle et al.

Conf. No.: 5169

Serial No.: 09/852,880

Art Unit: 3763

Filed: May 10, 2001

Examiner: Manuel A. Mendez

For: System for Fluid Retention Management

CERTIFICATION UNDER (37 C.F.R. § 1.8(A))

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313.

Date: 11/10/04

Facsimile

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature: _____

Mail Stop Petition
Assistant Commissioner for Patents
Alexandria, VA 22313

PETITION TO ACCEPT AN
UNINTENTIONALLY DELAYED CLAIM OF PRIORITY

Dear Sir:

This is a Petition to correct an unintentionally delayed claim of priority in the above-pending application. Applicants' representative received the Notice of Allowance dated September 8, 2004, and while preparing to execute the Issue Fee, noted an error in the priority claim.

Applicants hereby petitions the Commissioner under 37 C.F.R. § 1.78(a)(3) and (4) to claim the benefit under 35 U.S.C. § 119(e) and 120 of earlier filed domestic applications.

The entire delay between the date the priority claim was due under paragraph §1.78(a)(2)(ii), four months from the actual filing date of this application (October 27, 2002) and this date was unintentional. When the current application was filed, priority was claimed to 09/454,878, filed on December 3, 1999, which is a division of 09/548,315, filed on November 1, 1995, now abandoned, and claiming the benefit of provisional application 60/006,408, filed on November 9, 1995, as indicated on the

Transmittal Letter, copy of the Declaration and the Official Filing receipt, copies of which are attached as Appendix A. Applicant unintentionally did not file a Preliminary Amendment to add the required related application's paragraph to the specification and did not notice the incomplete claim to domestic priority.

The claim of domestic priority is as follows:

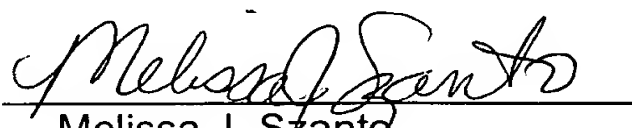
This application is a divisional of US serial number 09/454,878, filed on December 3, 1999, now US patent 6,319,221, which is a divisional application of US serial number 09/068,059, filed on December 14, 1998, now US 6,238,366, which is the national filing of international application PCT/US96/17396, filed on October 31, 1996, which claims priority of US application number 08/548,315, filed on November 1, 1995, now abandoned, and US provisional application 60/006,408, filed on November 9, 1995, now abandoned.

As stated above, Applicant's representative first became aware of the need to add the Cross-Reference to Related Applications paragraph claiming priority while reviewing the Notice of Allowance and promptly filed this Petition.

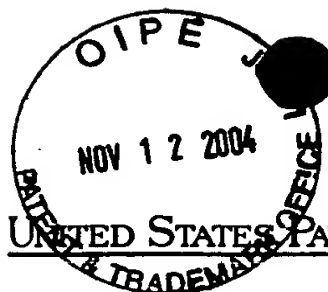
Applicants attach an Amendment to add a related cases section to the specification to correct the priority. Please charge the surcharge set forth in 37 CFR § 1.17(t) of \$1330.00 to Deposit Account 10-0750/FEM51/MJS and any additional surcharge or fee that is required in connection with this petition.

Please contact me if any further information is required at the number below.

Respectfully submitted,

By 
Melissa J. Szanto
Reg. No. 40,834

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
Tel: 732-524-1365
Fax: 732-524-2808
Dated: 11/10/04



UNITED STATES PATENT AND TRADEMARK OFFICE

LH/VEK

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
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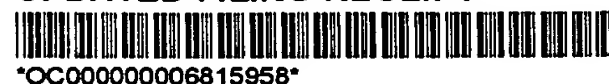
APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/852,880	05/10/2001	3763	710	FEM-0051	11	6	1

CONFIRMATION NO. 5169

000027777

 AUDLEY A. CIAMPORCERO JR.
 JOHNSON & JOHNSON
 ONE JOHNSON & JOHNSON PLAZA
 NEW BRUNSWICK, NJ 08933-7003

UPDATED FILING RECEIPT



OC000000006815958

Date Mailed: 10/01/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)
 Geroge M. Savagle, Portola Valley, CA;
 Georgi Lathbury, Fremont, CA;
 Jeffrey J. Christian, San Jose, CA;
Domestic Priority data as claimed by applicant
 THIS APPLICATION IS A DIV OF 09/454,878 12/03/1999
 WHICH IS A DIV OF 08/548,315 11/01/1995 ABN
 AND CLAIMS BENEFIT OF 60/006,408 11/09/1995
Foreign Applications

If Required, Foreign Filing License Granted 07/06/2001

Projected Publication Date: 01/10/2002

Non-Publication Request: No

Early Publication Request: No

Title

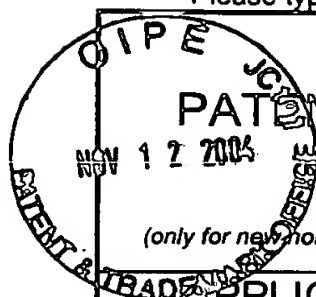
System for fluid retention management

Preliminary Class**RECEIVED**

OCT 13 2001

J & J PAT. DKT. SECTION

Please type a plus sign (+) inside this box ☒



**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

FEM-0051

First Inventor

Geroge M. Savagle

Title

System for Fluid Retention Management

Express Mail Label No.

EL457887411US

APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents.

ADDRESS TO: Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
3. ☒ Specification [Total Pages 24]
(Preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R&D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 11]
5. Oath or Declaration [Total Pages 1]
 - a. ☐ executed (copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

- a. ☐ Computer Readable Form (CRF)
- b. ☐ Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
- c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement
(IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Request and Certifications under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other

6. ☐ Application Data Sheet. See 37 CFR 1.76

18. ☒ If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-Part (CIP) of prior application No.: 09/454,878, filed 12/3/99, which claim priority to prior application No. 08/548,315 filed 11/1/95 and prior application No. 60/006,408 filed 11/9/95. Prior application information: Examiner M. Mendez Group Art Unit: 3763

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 000027777 or ☐ Correspondence Address below

Name: Philip S. Johnson, Esq.

Address: Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003 USA

20. TELEPHONE CONTACT

Please direct all telephone calls or telefaxes to Verne E. Kreger at:

Telephone: (732) 524-1239 Fax: (732) 524-2808

21. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME

Verne E. Kreger, Jr.

Reg. No. 35231

SIGNATURE

DATE

May 10, 2001

COMBINED DECLARATION FOR: .NT APPLICATION AND POWER OF ATTORNE (CONTINUED)

ATTORNEY'S DOCKET NUMBER
018944-00072002

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT International application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
60/008,408	November 9, 1998			X
08/549,313	November 1, 1998			X

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

James F. Hanna, Reg. No. 29,719
James M. Heslin, Reg. No. 29,541
Mark D. Barrish, Reg. No. 36,443

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(name and telephone number)
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Registration No. 29,541
Telephone: (650) 325-3400

1	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
		Savage	George	M.
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	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
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2	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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	RESIDENCE & CITY CITIZENSHIP	Fremont	California	United States
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
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3	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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	RESIDENCE & CITY CITIZENSHIP	San Jose	California	United States
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY	
		688 Curie Drive	San Jose	California 95123 USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE December 11, 1998	December 11, 1998	December 11, 1998